

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAHUL SHARMA,

Plaintiff,

- against -

THE CITY OF NEW YORK; MAYOR BILL DE BLASIO; NEW  
YORK CITY POLICE DEPARTMENT ("NYPD")  
COMMISSIONER DERMOT SHEA; NYPD CHIEF  
OF DEPARTMENT TERENCE MONAHAN; NYPD  
LIEUTENANT STEPHEN LATALARDO; NYPD  
OFFICER BRIANNA CARLO; NYPD OFFICER  
FIRST NAME UNKNOWN ASHFORD; and NYPD MEMBER  
JANE DOE 1,

Defendants.  
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**NOTICE OF REMOVAL**

Docket No. 21 Civ 10892

Law Dep't No.: 2021-038942

**TO: THE UNITED STATES DISTRICT COURT,  
SOUTHERN DISTRICT OF NEW YORK**

Defendants The City Of New York (the "City"), Mayor Bill De Blasio, and Commissioner Dermot Shea (hereinafter "Defendants"), by and through their attorney, Georgia M. Pestana, Corporation Counsel of the City of New York, respectfully show this Court as follows:

1. On August 30, 2021, Plaintiff commenced this action by filing a Summons and Verified Complaint in the Supreme Court of the State of New York, County of New York, under Index No. 158108/2021, naming the City; Mayor Bill De Blasio; Commissioner Dermot Shea; NYPD Chief Of Department Terence Monahan; NYPD Lieutenant Stephen Latalardo; NYPD Officer Brianna Carlo; Police Officer Michael Ashford s/h/a NYPD Officer First Name Unknown Ashford; and NYPD Member Jane Doe 1 as defendants therein, and setting forth the claims for relief upon which the action is allegedly based. See a copy of Plaintiff's Summons and Verified Complaint, annexed hereto as **Exhibit A**.

2. Upon information and belief, on November 18, 2021, the City, Mayor Bill De Blasio and NYPD Commissioner Dermot Shea were served with a Summons and Verified Complaint at 100 Church Street, New York, NY.

3. Upon information and belief, on November 20, 2021, NYPD Officer Brianna Carlo was served with a Summons and Verified Complaint at the New York Police Department, Strategic Response Group 5, located at 2320 Hylan Blvd., Staten Island, NY. Upon information and belief, on November 20, 2021, Officer Michael Ashford was served with a Summons and Verified Complaint at the New York Police Department, Strategic Response Group 2, located at 1278 Sedgwick Avenue, Bronx, NY. Upon information and belief, on November 22, 2021, Senior Advisor Terence Monahan s/h/a NYPD Chief of Department Terrance Monahan was served with a Summons and Verified Complaint at the New York Police Department located at One Police Plaza, New York, NY.

4. Copies of the Affidavits of Service concerning service of the Summons and Verified Complaint on the Defendants are annexed collectively hereto as **Exhibit B**.

5. Upon information and belief, Lieutenant Stephen Latalardo has not been served with process and has not requested representation by this Office. A review of the New York State Courts Electronic Filing System on December 20, 2021, at approximately 11:55 AM, revealed that no affidavit of service for Lieutenant Stephen Latalardo has been filed.

6. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

7. In the Complaint, Plaintiff brings claims pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, false arrest, malicious prosecution and denial of the right to a fair trial, all in violation of the Fourth and Fourteenth Amendments to the United States Constitution. See Exhibit A. Plaintiff also asserts state law claims of, *inter alia*, false arrest, assault and battery. See id.

8. All individually named defendants who have been served in this action consent to its removal to federal court. See copies of the Consent to Removal Forms, annexed collectively hereto as **Exhibit C.**

9. This Notice of Removal is timely because it is being filed within thirty (30) days of service on the City of the Summons and Complaint on the City on or about November 18, 2021. See 28 U.S.C. § 1446(b); Fed. R. Civ. P. 6(a)(1)(C).

10. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

11. Defendants are unaware of any previous application for the relief requested herein.

**WHEREFORE**, defendants respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York  
December 20, 2021

GEORGIA M. PESTANA  
Corporation Counsel of the City of New York  
*Attorney for Defendants*  
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